

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
TIMBERLY E. HUGHES,
Defendants.

Case No. 18-cv-05931-JCS

ORDER REGARDING OBJECTION

Re: Dkt. No. 49

On March 5, 2020, Defendant Timberly Hughes, pro se, filed a “motion for a fair and impartial hearing.” That motion read, in its entirety, as follows:

Defendant moves this court for a fair and impartial hearing and in support of this motion, sets forth the following facts upon which the defendant determined that this motion was necessary.

Judge Joseph C. Spero has already expressed his prejudice in this case at a hearing as described in the attached affidavit by stating that he had already decided the defendant’s actions were willful and that the court could not likely be convinced otherwise. This was stated without any evidentiary hearing and before the defendant even answered the complaint or any discovery was undertaken and before there was even any pre-trial conference.

The defendant sincerely believes that she cannot have a fair and impartial hearing before this judge; however, she is asking the court to provide her with a fair and impartial hearing that includes a competent and careful examination of all the facts before making any determinations.

Mot. for Hearing (dkt. 40). The motion was supported by an affidavit in which Hughes recounted what she viewed as indicia of bias by the Court. *See id.* The Court construed the motion as seeking recusal, and denied it, primarily because a court’s view on the merits of a case, as

///

///

presented by the parties, is not bias. *See* Order Denying Mot. for Hearing (dkt. 47).¹

Hughes has now filed an “objection” to the Court’s order, which reads as follows:

The defendant demands that the judge (magistrate) presiding over this case, Hon. Joseph C. Spero, not recuse himself and states that the defendant never contemplated requesting that the judge disqualify himself from the case.

The judge has demonstrated his bias and prejudice against the defendant; however, the defendant demands that this judge continue to preside over this case and make his rulings, and further, that the defendant requests that this court provide a fair and impartial hearing for all hearings until the conclusion of this case.

Additionally, the defendant advises this court that the court is not authorized to make motions in behalf of the defendant and make motions in behalf of the defendant [sic] without the defendant’s consent or request.

It is quite obvious that this court has already pre-judged this case, as one can plainly see by the legal and factual conclusions and even arguments written into the court’s orders or [sic] March 31.

Objection (dkt. 49).

As a starting point, no applicable procedural rule authorizes a party to file “objections” to court orders. If Hughes believes an order of this Court contains error, she may in appropriate circumstances bring a motion as authorized by this Court’s local rules or the Federal Rules of Civil Procedure, or file an appeal after entry of final judgment. Any future “objections” to orders will be disregarded.

Moreover, Hughes does not seek any particular relief beyond this Court’s duty to resolve every case before it without bias. The Court will resolve any decisions before it based on the law, the evidence presented, and the parties’ arguments. To the extent that Hughes’s motion and objection could be construed as asking the Court to refrain from discussing the merits of the case with the parties in open court, that request is DENIED.

Hughes, who is representing herself, is encouraged to contact the Federal Pro Bono Project’s Pro Se Help Desk for assistance as she continues to defend this case. Lawyers at the Help Desk can provide basic assistance to parties representing themselves but cannot provide legal

¹ *United States v. Hughes*, No. 18-cv-05931-JCS, 2020 WL 1531374 (N.D. Cal. Mar. 31, 2020).

representation. In-person appointments are not currently available due to the COVID-19 public health emergency, but Hughes may contact the Help Desk at 415-782-8982 or FedPro@sfbar.org to schedule a telephonic appointment

IT IS SO ORDERED.

Dated: May 12, 2020



JOSEPH C. SPERO
Chief Magistrate Judge